

REISSUE APPLICATION DECLARATION BY THE ASSIGNEE

Docket Number (Optional)

7594.10

I hereby declare that:

Each inventor's residence, mailing address and citizenship are stated below next to their name.

I believe the inventors named below to be the original and first inventor(s) of the subject matter which is described and claimed in patent number 5,967,264 granted October 19, 1999 and for which a reissue patent is sought on the invention entitled METHOD OF MONITORING ITEM SHUFFLING IN A POST-SCAN AREA OF A SELF-SERVICE CHECKOUT TERMINAL,
the specification of which

☐ is attached hereto.

☒ was filed on October 19, 2001 as reissue application number 10/038,377
and was amended on October 19, 2001, November 15, 2001, October 6, 2004, April 22, 2009, and April 23, 2009
(If applicable)

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

☐ I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b). Attached is form PTO/SB/02B (or equivalent) listing the foreign applications.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

☐ by reason of a defective specification or drawing.

☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.

☐ by reason of other errors.

At least one error upon which reissue is based is described below. If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening:

SEE PAGE 4 OF 4

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This collection of information is required by 37 CFR 1.175. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)

Docket Number (Optional)
7594.10

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant. As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith.

| Name(s) | Registration Number |
|------------------|---------------------|
| Douglas S. Foote | 31013 |
| Paul W. Martin | 34870 |
| Michael Chan | 33663 |
| James M. Stöyer | 32759 |

Correspondence Address: Direct all communications about the application to:

☒ Customer Number

26884

Type Customer Number here

☐ Firm or Individual Name

26884

Address

Address

City

State

Zip

Country

Telephone

Fax

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Full name of sole or first inventor (given name, family name)

Dusty L. Lutz

Inventor's signature

Date

5/19/09

Residence

Citizenship

US

Mailing Address

3490 Mill Valley Dr. Decatur GA 30019 USA

Full name of second joint inventor (given name, family name)

Christopher A. Malchak

Inventor's signature

Date

Residence

Citizenship

Mailing Address

Full name of third joint inventor (given name, family name)

Timothy E. Mason

Inventor's signature

Date

5/19/09

Residence

Citizenship

U.S.

Mailing Address

1965 Deer Creek Trail, Buford GA 30519, USA

☐ Additional joint inventors are named on separately numbered sheets attached hereto.

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)

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Name(s) Registration Number

Douglas S. Foote 31013

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Michael Chan 33663

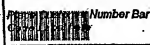
James M. Stover 32759

Correspondence Address: Direct all communications about the application to:

☒ Customer Number

26884

Type Customer Number here



☐ Firm or
Individual Name

26884

PATENT AND TRADEMARK OFFICE

Address

Address

City

State

Zip

Country

Telephone

Fax

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Full name of sole or first inventor (given name, family name)

Dusty L. Lutz

Inventor's signature

Date

Residence

Citizenship

Mailing Address

Full name of second joint inventor (given name, family name)

Christopher A. Malchuk

Inventor's signature

Date

Residence

Citizenship

Mailing Address

120 Cattlestone Way, Alpharetta GA 30009

Full name of third joint inventor (given name, family name)

Timothy E. Mason

Inventor's signature

Date

Residence

Citizenship

Mailing Address

☐ Additional joint inventors are named on separately numbered sheets attached hereto.

| | | | |
|--|--|-------------------------------------|--|
| (REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 3) | | Docket Number (Optional) 7594.10 | |
| Full name of fourth joint inventor (given name, family name) Ali M. Vassigh | | | |
| Inventor's signature <i>Ali M. Vassigh</i> | | Date 5/4/2009 | |
| Residence USA | | Citizenship USA | |
| Mailing Address 17681 NE 121st Court, Redmond, WA 98052 | | | |

REISSUE DECLARATION, continued from page 1

The error upon which Applicants are relying to support the Reissue Application is that of claiming less than they had the right to claim in the above identified Patent 5,967,264 ("the '264 patent").

Applicants failed to appreciate the full scope of the invention. Applicants also believe that they are entitled to additional claims of greater scope.

For example, Applicants failed to appreciate that they could claim a method as in new claim 39 including detecting a weight increase resulting from placement of one or more items in the post-scan area of the self-service checkout terminal, determining if the weight increase corresponds to an expected weight of a previously entered item or to a previously detected and recorded weight decrease, and if the weight increase does not correspond to the previously detected and recorded weight decrease, communicating an instructional message instructing a user to remove the item or items from the post-scan area and to enter the item or items for purchase.